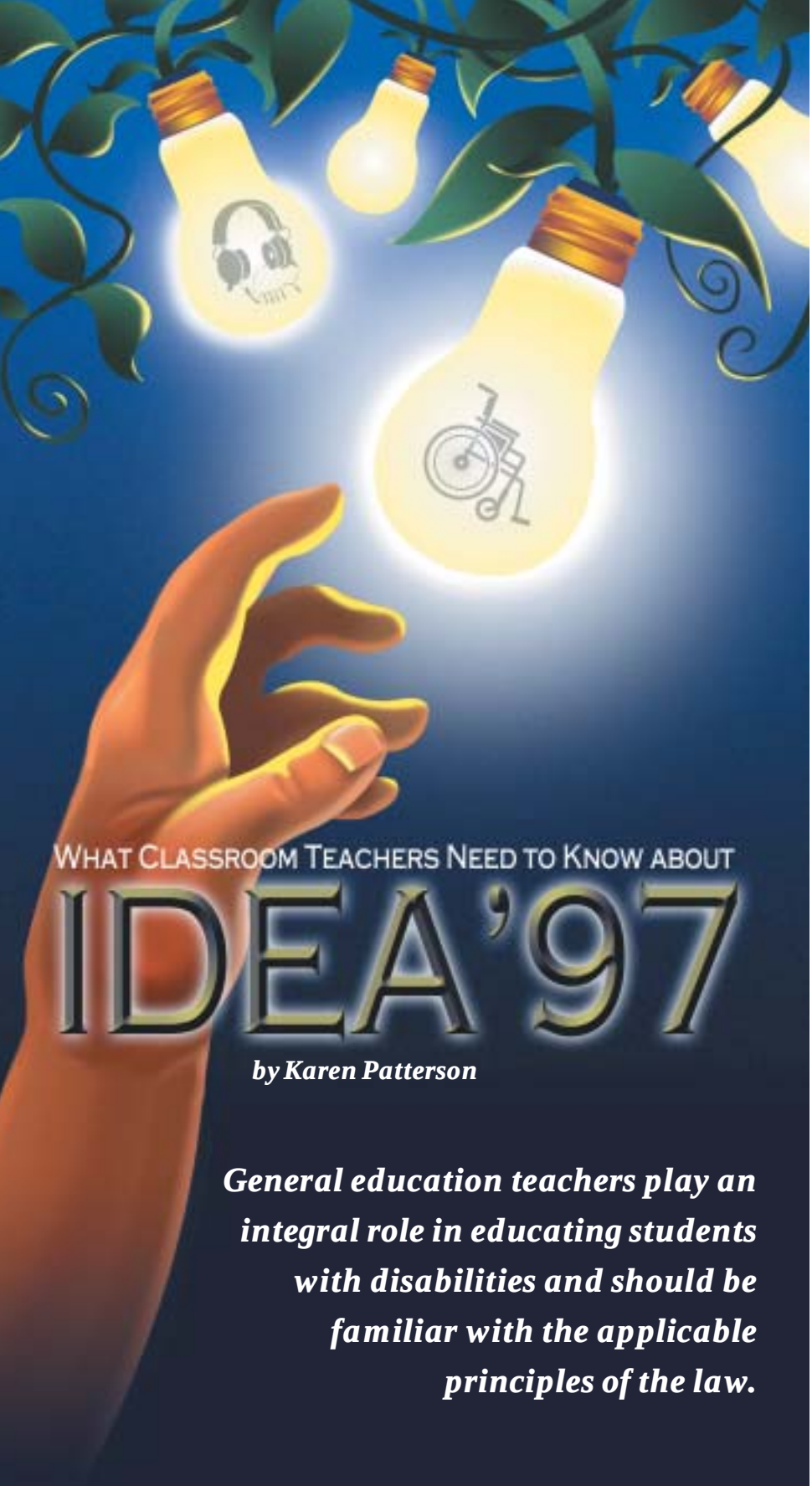

WHAT CLASSROOM TEACHERS NEED TO KNOW ABOUT IDEA '97

by Karen Patterson

General education teachers play an integral role in educating students with disabilities and should be familiar with the applicable principles of the law.

Special education teachers are not the only ones who need to know about laws and policies regarding students with disabilities. In the general classroom setting, informed teachers can deliver necessary and appropriate services to students with special needs, while at the same time work toward successful outcomes for those children, their peers, and their parents.

Knowing about the origin, implementation, and relevance of the laws as they relate to students is an important responsibility for all classroom teachers. The Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97), signed into law on June 4, 1997, by President Clinton, amended and reauthorized the Individuals with Disabilities Education Act (IDEA). The 1997 provisions of the law have been called the most significant changes in federal special education law since the original passage of the Education for All Handicapped Children Act of 1975 (Eyer 1998; Yell and Drasgow 2000; Yell and Katsiyannis 2000). Integral to the implementation of IDEA '97 are six fundamental principles that the federal government emphasizes as being critical features of special education programs offered to children and youth with disabilities (U.S. Department of Education 2000): a free and appropriate public education;

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an individualized education program; the least restrictive environment; appropriate evaluations; parent and student participation in decision making; and procedural safeguards.

Free and Appropriate Public Education

Students are entitled to a free and appropriate public education (FAPE).

IDEA '97 defines FAPE as special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet standards of the state educational agency; include an appropriate preschool, elementary, or secondary school education in the state involved; and are provided in conformity with the individualized education program (IDEA 1997, 1401(8); Yell and Drasgow 2000). While primary responsibility for adhering to FAPE lies with the school districts, classroom teachers should know the procedural and substantive requirements. FAPE guarantees every student with a disability an individualized education program—most often delivered by the classroom teacher—that is reasonably calculated to provide meaningful educational benefits (Yell and Drasgow 2000).

Individualized Education Program

An Individualized Education Program (IEP) is required for each child with a disability to ensure that services are specific and individualized for their needs.

Prior to the mandates of IDEA, families of children with disabilities were alone in their burden of educating and caring for their children with disabilities (Werts, Mamlin, and Pogoloff 2002). IDEA '97 requires that an IEP be developed and implemented for every student with disabilities between the ages of 3 and 21 (U.S. Department of Education 2000). The IEP, which describes both the process and resulting document that defines a FAPE for a student, is the centerpiece of the special education process. The law not only specifies what an IEP must include, but also who is to take part in its formulation (U.S. Department of Education 2000). In collaboration, school personnel and a student's parents design the appropriate educational program. As a result, the individualized education and related services that a student in special education receives are delineated in, and provided in conformity with, the IEP (Yell and Drasgow 2000).

A major goal of the IEP meeting is to form a partnership among parents, teachers, and service providers. To achieve this goal, teachers must be able to make critical decisions regarding the IEP process in addition to communicating effectively with families during the IEP meeting. The formation of an individualized program involves seven steps, beginning with prereferral and ending with an annual evaluation of the student's program.

Prereferral. The prereferral intervention is an informal, problem-solving process with two primary purposes: to provide immediate instructional and behavior management assistance to the child and teacher; and to reduce the chances of identifying a child for special education who may not be disabled (Salvia and Ysseldyke 1988). This process is a critical component of the early identification process. The classroom teacher often is one of the first to recognize a developmental problem (e.g., reading difficulties, or disruptive or aggressive behavior). For young children at risk for learning and emotional or behavioral problems, Lane, Gresham, and O'Shaughnessy (2002) recommended proactive screening in preschool and kindergarten, and again in later grades.

Prereferral interventions both reduce the chances of over-identifying children for special education and increase opportunities for children who truly require services to be identified. Parental consent must be obtained for initial and all subsequent evaluations and placement decisions regarding special education. The decisions made during this process are significant, and the classroom teacher's response remains the most crucial step. The teacher's role as implementer of prereferral strategies cannot be overestimated (Sindelar et al. 1992); the teacher influences placement and possible life-altering changes for students.

Referral. In this step, a child actually is referred for special education services. Candidates for referral are students whose academic performance is significantly behind that of their classmates or who continually misbehave and disrupt the learning environment (Smith 2004). In addition to having current knowledge of learning, emotional, and behavioral difficulties, classroom teachers should know early identification, prevention, and intervention strategies (Lane et al. 2002) to facilitate the referral step.

Evaluation. The evaluation step in the IEP process is to deter-

mine whether a child has a disability, whether special education is required, and what types of special or related services are needed. IDEA '97 is specific in its recommendation that tests must be nondiscriminatory and must be given in the child's native language. The IEP team evaluates the benchmarks or short-term objectives, and makes modifications in the placement, instructional program, and related and supplementary services, as needed.

Eligibility. Though IDEA '97 provides definitions for the special education categories, each state maintains its own definitions. After determining that a child has a disability, the IEP team decides whether the child also needs special education.

Development of the IEP. Representation on the IEP team is specified by IDEA '97 and should include: at least one general education teacher (if the student is participating in general education), at least one special educator or related service provider, a representative of the school district, the parents and whom they invite, and sometimes the student. The team uses assessment results to help decide on appropriate education, services, and placement.

As participants in IEP development and its subsequent implementation, general education teachers must know the key components of the program. The minimum requirements (U.S. Department of Education 2000) of an IEP include:

- the student's present levels of educational performance;
- indications about ways the student's disability influences participation and progress in the general education curriculum;
- a statement of measurable annual goals, including benchmarks or short-term objectives;
- the specific educational services to be provided, including program modifications or supports;
- an explanation of the extent that the child will not participate in general education classes;

- a description of modifications in statewide or district-wide assessments;
- the projected date for initiation of services and the expected duration of those services;
- an annual statement of transition service needs (beginning at age 14), and a statement of interagency responsibilities to ensure continuity of services when the student leaves school (by age 16); and
- a statement regarding how the student's progress will be measured and how parents will be informed about the progress.

The IEP documents should make clear the relationships among these components, as well as keep their primary focus on the unique needs of each student.

Implementation of the IEP. Many classroom teachers are uncomfortable with the knowledge that some IEP meetings are characterized by conflict between the parent and representatives of the school district. Often these conflicts are a result of the IEP being written at the wrong time and for the wrong reason. The legal IEP is written following evaluation and identification of a student's disabilities, but before a placement decision is made. In other words, what the student needs is determined first, and then a decision is made about placement in the least restrictive environment in which the necessary services can be provided.

Often seen is the educationally wrong and illegal practice of basing the IEP on an available placement; that is, the student's IEP is written after placements and services are considered (Hallahan and Kauffman 2003). This problem is noteworthy especially for preservice and beginning teachers who most likely will follow procedures already in place or delineated by the directing teacher, peer evaluator, special education department, and general school setting.

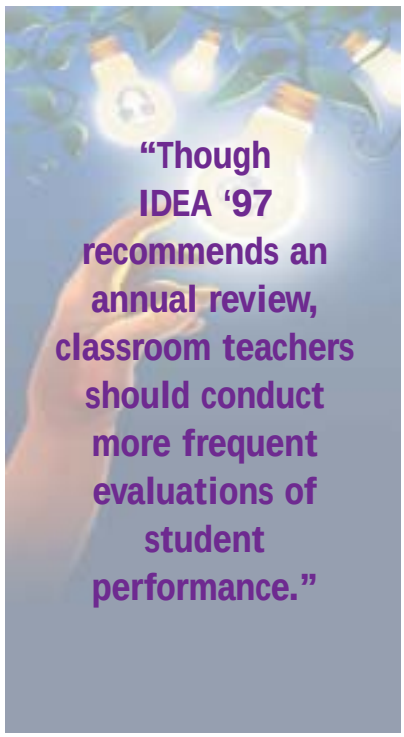
Annual Review. The IEP team, including the parents, conducts an annual review to ensure that the student is meeting the goals and objectives specified in the IEP components. Evaluation is conducted to determine whether the student has achieved, or at least is making progress toward, the benchmarks specified for each objective.

Though IDEA '97 recommends an annual review, classroom teachers should conduct more frequent evaluations of student performance. Because evaluations typically guide instruction, waiting an entire school year before conducting an evaluation is counterproductive. Frequent evaluations give teachers an opportunity to modify their mode of instruction for increasing student productivity. In addition, objectives that have been met can be reviewed rather than taught daily, while other goals and objectives can take a more prominent place in the student's program. As a result, the annual review becomes more productive, and planning for a new year is more clearly defined in terms of what the student already knows versus what the student needs to know and how the student learns.

Least Restrictive Environment

Always consider the least restrictive environment (LRE) when placement is considered.

IDEA '97 mandates that students with disabilities be educated with children without disabilities to the maximum extent appropriate, and that students with disabilities be removed to separate classes or schools *only* when the nature or severity of their disabilities is such that they cannot receive an appropriate education in a general education classroom with supplementary aides and services. Many children, however, have been placed in special education programs without any consideration for general class placement as an option (Weishaar 1997). If it is at all possible that schools can successfully educate students with disabilities in general education settings with peers who do not have disabilities, then the students' school must provide that experience. Therefore, if teachers are aware that the LRE is most often the general classroom setting, then perhaps they will evaluate more carefully the necessity for a quick referral. Instead, teachers can explore and implement effective intervention strategies that are proven successful for both academic learning and behavioral problems with students.



According to Landrum, Tankersley, and Kauffman (2003), direct instruction has perhaps the richest empirical history in enhancing the academic achievement of struggling learners. One of the key advantages of direct instruction for low-achieving students is its emphasis on academic engagement. Research has shown that academic achievement is related significantly to academic engagement rates—or the proportion of instructional time during which students are engaged in learning—as demonstrated by behaviors such as attending to tasks, working on assignments, and participating in class activities (e.g., Greenwood 1991). Landrum et al. (2003) recommended curriculum-based measurement, class-wide peer tutoring, social skills interventions, and group-oriented contingencies such as the Good Behavior Game (see Barrish, Saunders, and Wolf 1969; Tankersley 1995; Patterson 2003) as effective and positive interventions to improve both academic and behavioral problems for students in general and special education settings.

Especially crucial for classroom teachers is the distressing gap between what research has discovered about effective instruction and that which is practiced in many classrooms (Heward 2003a). Observations of classroom practice have suggested that the education received by many students with disabilities does not take advantage of the current knowledge of best practices (Kauffman 1996; Moody et. al. 2000; Wagner et al. 1993). It is imperative that teachers are aware of and implement positive and effective interventions to better facilitate student success in the least restrictive environment (see "Improving Student Outcomes.")

For students to be successful, teachers must teach, engage in reflective examination as it pertains to their teaching practices, make changes where necessary, and maintain high expectations for both themselves and their students.

Improving Student Outcomes

Other than limiting class size, often little that goes on in many special education classrooms can rightfully be called "special" (Moody et al. 2000; Vaughn, Moody, and Schumm 1998; Ysseldyke et al. 1984). The following are instructional methods that can be used in general classrooms to help students with disabilities achieve successful outcomes (Heward 2003a):

- Assess each student's present levels of performance for the purpose of identifying and prioritizing instructional targets.
- Define and task-analyze the new knowledge or skills to be learned.
- Design instructional materials and activities so that the student has frequent opportunities for active response in the form of both guided and independent practice.
- Use mediated scaffolding (i.e., provide and then fade prompts and cues so the student can respond to naturally occurring stimuli).
- Provide systematic consequences for student performance in the form of contingent reinforcement, instructional feedback, and error correction.
- Incorporate fluency-building activities into lessons.
- Incorporate strategies for promoting the generalization and maintenance of newly learned skills (e.g., program common stimuli, general case strategy, contingencies, and self-management).
- Conduct direct and frequent measurements of student performance and use those data to inform instructional decision making.

Appropriate Evaluations

Are the evaluations appropriate?

In assessing students' performance, Smith (2004) identified the following types of evaluations as important in special education:

1. Identify and qualify students for special education.

2. Guide instruction, continually ensuring that the practices implemented are effective, so that a minimal amount of instructional time is wasted using a tactic that is ineffective or has lost its power for an individual child.

3. Determine annual or long-term gains, possibly through statewide or district-wide achievement tests given to entire classes of students, or by assessing progress toward achieving benchmarks listed on IEPs.

Given the range of disabilities and diversity that exists in special education, it is important for classroom teachers to use more than one test or type of assessment, or a battery of tests. Another way teachers can document student progress is by developing portfolios that demonstrate authentic student work and achievements. These are especially valuable for tracking the process of change and are crucial for continued growth.

Parent and Student Participation

Always include parent and student participation to ensure shared decision making.

IDEA '97 requires schools to collaborate with parents and students with disabilities in the design and implementation of special education services. Specifically, beginning at age 14, students must be invited to attend and should be encouraged to participate in entire IEP meetings. Heward (2003b) recommended that students with disabilities participate in the IEP process through self-determination of preferences, self-evaluation, and goal setting. When empowered as active participants in the IEP process, students have an opportunity to heighten their independence, self-advocacy skills, and self-esteem (German et al. 2000). Moreover, students may be able to offer insights and preferences that are valuable contributions to their success.

Procedural Safeguards

Keep important procedural safeguards in mind.

IDEA '97 recommends that parents of each student with a disability have the right to the following due process safeguards:

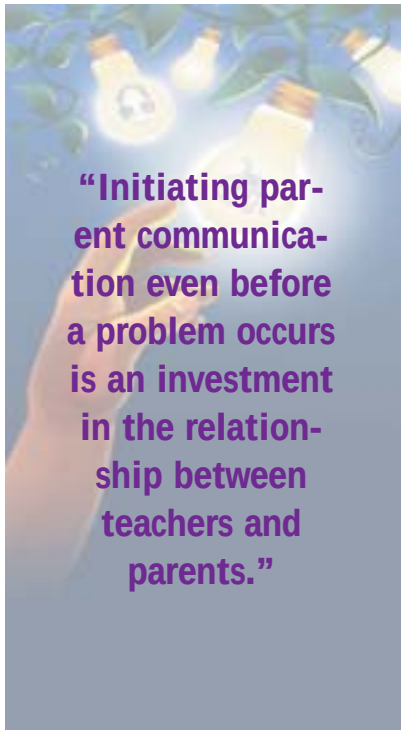
- Be notified and invited to all meetings held about their child's educational program.

- Give permission for their child to be evaluated and obtain independent evaluations.
- Have access to their child's educational records.
- Participate in all decisions about their child's educational program, placement, goals, and objectives.
- Be guaranteed mediation, due process, and civil action.

Classroom teachers need to recognize the importance of communication and collaboration not only as good practice in education, but also as the key components in procedural safeguards. Teachers must ensure that communication with parents is a natural part of their role as educators. Communication must be meaningful, timely, honest, nonjudgmental, confidential, and free of special education jargon. Initiating parent communication even before a problem occurs is an investment in the relationship between teachers and parents. When there is ongoing rapport, parents tend to be more supportive of, and collaborative with, teachers. For students with disabilities, communication and collaboration are required for successful outcomes.

A Teacher's Role

IDEA '97 clearly defines educators' responsibilities with regard to children with disabilities, including teachers in both special education and inclusive general education settings. Many general education teachers are limited in their knowledge of special education law and policies, yet they play an integral role in educating students with special needs. IDEA '97 mandates that students with disabilities be educated with children without disabilities to the maximum extent appropriate in the least restrictive environment. For many children in special education, this is the general education classroom. The teacher's role in that setting is even more significant. Given that the principles of IDEA '97 are clearly defined by law, educators



in general and special education can provide the necessary and appropriate services that will most likely lead to successful outcomes not only for children with disabilities, but also their peers, parents, and teachers that are involved in this very important process called special education.

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